

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

ANN M. THOMAS,

Plaintiff,

vs.

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

No. CIV-11-343-W

ORDER

On July 23, 2012, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this matter and recommended that the decision of Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Disability Insurance Benefits filed by plaintiff Ann M. Thomas be reversed. Magistrate Judge Roberts further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object to Magistrate Judge Roberts' Report and Recommendation, but neither party has objected within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Roberts' finding that the Administrative Law Judge, at step five of the required five-step sequential evaluation process, e.g., 20 C.F.R. §§ 404.1520, erred by conclusively relying on the agency's Medical-Vocational Guidelines, or "grids," despite Thomas' significant nonexertional impairments.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 31] issued on July 23, 2012;

(2) REVERSES the Commissioner's decision denying Thomas' Application for Disability Insurance Benefits;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and consistent with Magistrate Judge Roberts' Report and Recommendation; and

(4) ORDERS that judgment pursuant to this Order shall issue forthwith.

ENTERED this 14th day of August, 2012.



LEE R. WEST
UNITED STATES DISTRICT JUDGE